

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Revision of the Commission's Rules to Ensure)
Compatibility with Enhanced 911 Emergency)
Calling Systems)
)
Cellular Properties, Inc.)
Petition for Waiver of Section 20.18(c))
of the Commission's Rules and the)
Deadlines Established in the)
Fourth Report and Order)

CC Docket No. 94-102

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Wireless Telecommunications Bureau

PETITION FOR WAIVER

Cellular Properties, Inc.¹ ("Cellular One"), by its attorneys, and pursuant to Sections 1.3 and 1.925 of the Commission's Rules,² hereby requests a waiver of Section 20.18(c) of the Commission Rules and the June 30, 2002 deadline for compliance with 911 text telephone ("TTY") obligations for digital wireless carriers.³ A waiver is warranted due to the fact that Cellular One confronts circumstances that render compliance with the TTY requirements at

¹ Cellular Properties, Inc. is doing business as Cellular One of East Central Illinois in the markets affected by this waiver request. A facsimile copy of the Declaration signed by Cellular One is attached. A supplemental filing will be made after the original has been received.

² 47 C.F.R. §§ 1.3 and 1.925.

³ 47 C.F.R. § 20.18(c) (the "TTY Rule"); *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems: Fourth Report and Order*, CC Docket No. 94-102, FCC 00-436 (rel. Dec. 14, 2000) ("Fourth Report and Order"). The Fourth Report and Order established a deadline of December 31, 2001 for digital wireless carriers to have obtained all software upgrades and equipment necessary to make their systems compatible of transmitting 911 calls from TTY devices. *Id.* at para. 8. The Commission recognized, however, that some solutions might not be commercially available by that deadline and established June 30, 2002 as the "final deadline." *Id.* at para. 9. Accordingly, to the extent necessary, Cellular One also requests retroactive waiver of the December 31, 2001 deadline.

this time economically infeasible. To further the public interest, Cellular One proposes a specific deployment schedule to implement a TTY solution in the most efficient and expeditious manner.⁴ Accordingly, the Commission should grant this instant waiver.

I. Background

Cellular One is licensed to provide cellular service in the Illinois RSA 7 and Illinois RSA 9 (Northern 3 Counties) markets. Cellular One has chosen to implement TDMA technology in its network and has selected Ericsson as its infrastructure vendor.

II. Waiver is Warranted

Grant of a waiver of the Commission's Rules is warranted when

[i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.⁵

Cellular One's waiver request satisfies this standard.

A. Cellular One Confronts Unique and Unusual Circumstances That Are Beyond Its Control

Decisions made by large carriers to migrate from TDMA technology have caused manufacturers to abandon the development of new features, concluding that it is no longer economical to support TDMA systems.⁶ Accordingly, Cellular One has been unable to obtain necessary ongoing support and enhancements from its infrastructure vendor and is planning to migrate to an alternative technology within the next year and a half.

⁴ Cellular One is providing analog service within the licensed service areas. Accordingly, the public would not be harmed by a temporary waiver because alternative access to TTY exists.

⁵ 47 C.F.R. § 1.925(b)(3).

⁶ *Citing Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Joint Petition of Illinois Cellular One Cellular RSA 2-I Partnership, Illinois Cellular One Cellular RSA 2-II Partnership, and Illinois Cellular One Cellular RSA 2-III Partnership for Limited Waiver of Section 20.18(c) of the Commission's Rules and the Deadlines Established in the Fourth Report and Order, CC Docket 94-102 (December 21, 2001) ("vendors have decided to no longer support TDMA in light of AT&T's and Cingular's abandonment of TDMA technology")*

B. It Would Be Unduly Burdensome and Contrary to the Public Interest to Require Cellular One to meet the June 30, 2002 Deadline

In order to make its system TTY-compatible, Cellular One would need to make a software upgrade to its network from version 4 to version 7.1. Additionally, to enable TTY software support on its network, Cellular One will be required to make hardware upgrades, including replacing its switch. The estimated cost of implementing a TTY-compatible system - approximately \$1.7 million - is quite substantial for a small wireless service provider such as Cellular One.

This cost is further compounded by the expense that Cellular One will incur to change to an alternative technology such as CDMA or GSM. Considering Cellular One's impending migration to an alternative technology in the near future, the expensive upgrades that would be necessary for Cellular One to make its current network TTY-compliant would be extremely wasteful.

Moreover, even if Cellular One is able to expend the resources necessary to bring its TDMA system into compliance with the FCC's TTY requirements, it is still unclear as to whether TDMA, TTY-compatible handsets will be available for use in TDMA systems.⁷

Accordingly, it would be inequitable, unduly burdensome, and contrary to the public interest, to require a small, rural carrier like Cellular One to expend such a substantial amount of money to make its system TTY-compliant at this time.

C. Grant of the Waiver Would Further the Public Interest

Cellular One is not requesting a blanket waiver of the Commission's TTY Rule, but rather, is requesting a waiver only to the extent that these requirements cannot be accomplished

⁷ See Petition of Public Service Cellular, Inc. for Waiver of Section 20.18(c) of the Commission's Rules and the Deadlines Established in the Fourth Report and Order, CC Docket No. 94-102, FCC 00-436, filed December 21, 2001 at 4.

in an economically feasible way. Accordingly, Cellular One seeks an extension until December 31, 2003, to allow it to implement a TTY solution in the most efficient and expeditious manner.⁸ During the temporary extension period, Cellular One would continue to submit quarterly progress reports to keep the Commission apprised of progress toward compliance.

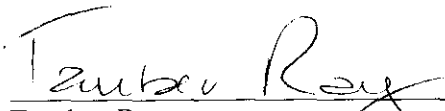
III. Conclusion

Unique and unusual circumstances render Cellular One's ability to comply with the TTY requirements at this time impossible due to factors beyond its control. Imposition of a rule that is economically infeasible for this carrier to meet would be inequitable, unduly burdensome and contrary to the public interest. To advance the public interest, the FCC should extend the deadline for Cellular One to comply with the TTY requirements until December 31, 2003.

Respectfully submitted,

CELLULAR PROPERTIES, INC.

By:


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July 2, 2002

⁸ Further, the public would not be harmed by grant of such relief due to the fact that individuals with speech or hearing disabilities could continue to use TTY devices with wireless telephones in an analog mode.

DECLARATION OF KATHLEEN ROBBINS

I, Kathleen Robbins, General Manager of Cellular Properties, Inc. d/b/a Cellular One of East Central Illinois ("Cellular One"), do hereby declare under penalty of perjury that I have read the foregoing "Petition for Waiver" and that the information contained therein that pertains to Cellular One is true and accurate, to the best of my knowledge, information and belief.


Kathleen Robbins

Dated: 7/2/02

CERTIFICATE OF SERVICE

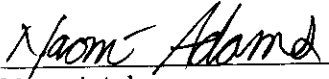
I, Naomi Adams, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, hereby certify that a copy of the foregoing "Petition for Waiver" was served this 2nd day of July, 2002, via hand delivery on the following parties:

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